IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.43827 of 2008
SITARAM MAHTO, son of Ramdhani Mahto, resident of village Karandey, P.S. Karandey, District Sheikhpura …. Petitioner
Versus
STATE OF BIHAR …… Opposite party

04/ 02.12.2008 Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Sections 364A/34 of the Indian Penal Code and has been implicated in this case at the instance of Lakhan Saw, who, it is said, was also with the victim when the victim was kidnapped.

It is submitted on behalf of the petitioner that the said Lakhan Saw was admitted to the privilege of bail by another Bench of this Court under orders dated 17.11.2008, passed in Cr. Misc. No. 41899 of 2008, as such, petitioner be also admitted to the privilege of bail.

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When the aforesaid submission was made, this Court perused the order dated 17.11.2008, wherefrom it appears that the said Lakhan Saw has been admitted to the privilege of bail as the case that he was also present at the time of kidnapping, was not found correct by the another Bench of this Court. Such observation, however, does not appear to be correct as from the statement of the victim and the contents of the First Information Report, it apparent that Lakhan Saw was very much present at the time of kidnapping of the victim.

So far petitioner is concerned, he is a co-villager of the victim, Lakhan Saw. Sanjay Saw, who was present at the time of

abduction and informed the father of the victim about the occurrence, also did not implicate him in the First Information Report. He is neither named in the statement of the victim recorded under Section 164 of the Cr.P.C. nor by the other witnesses during the investigation.

In the circumstances, petitioner, namely, Sitaram Mahto is directed to be released on bail on furnishing bail bond of Rs. 5,000/- (Rs. five thousand only) with two sureties of the like amount each to the satisfaction of the C.J.M., Sheikhpura in connection with Karandey P.S. Case No. 12 of 2008.

Arjun/ **(V.N. Sinha, J.)**

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